

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **FUTURE LAND USE ELEMENT** (TO IDENTIFY A MAXIMUM FLOOR TO AREA RATIO (FAR) IN THE COMMERCIAL LOW (CL) FUTURE LAND USE CATEGORY FOR NON-PLANNED DEVELOPMENTS); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 14 & 28, July 12 & 22, 2002 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 24, 2002 and August 28, 2002 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on November 13, 2002 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated November 8, 2002 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of

1 Community Affairs contained no objections to the amendments contained
2 in this ordinance;

3 WHEREAS, on December 18, 2002 the Palm Beach County Board of
4 County Commissioners held a public hearing to review the written
5 comments submitted by the Department of Community Affairs and to
6 consider adoption of the amendments; and

7 WHEREAS, the Palm Beach County Board of County Commissioners has
8 determined that the amendments comply with all requirements of the
9 Local Government Comprehensive Planning and Land Development
10 Regulations Act.

11 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
12 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

13 Part I. Amendments to the 1989 Comprehensive Plan

14 Amendments to the text of the following Element of the 1989
15 Comprehensive Plan are hereby adopted and attached to this Ordinance
16 in Exhibit 1:

- 17 A. Future Land Use Element, to identify a maximum floor to
18 area ratio (FAR) in the Commercial Low (CL) future land use
19 category for Non-Planned Developments; and
20 B. Amending all elements as necessary for internal
21 consistency.

22 Part II. Repeal of Laws in Conflict

23 All local laws and ordinances applying to the unincorporated area
24 of Palm Beach County in conflict with any provision of this ordinance
25 are hereby repealed to the extent of such conflict.

26 Part III. Severability

27 If any section, paragraph, sentence, clause, phrase, or word of
28 this Ordinance is for any reason held by the Court to be
29 unconstitutional, inoperative or void, such holding shall not affect
30 the remainder of this Ordinance.

31 Part IV. Inclusion in the 1989 Comprehensive Plan

32 The provision of this Ordinance shall become and be made a part
33 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
34 Ordinance may be renumbered or relettered to accomplish such, and the
35 word "ordinance" may be changed to "section," "article," or any other
36 appropriate word.
37

1 Part V. Effective Date

2 The effective date of this plan amendment shall be the date a
3 final order is issued by the Department of Community Affairs or
4 Administration Commission finding the amendment in compliance in
5 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
6 applicable. No development orders, development permits, or land uses
7 dependent on this amendment may be issued or commence before it has
8 become effective. If a final order of noncompliance is issued by the
9 Administration Commission, this amendment may nevertheless be made
10 effective by adoption of a resolution affirming its effective status,
11 a copy of which resolution shall be sent to the Florida Department of
12 Community Affairs, Division of Community Planning, Plan Processing
13 Team. An adopted amendment whose effective date is delayed by law
14 shall be considered part of the adopted plan until determined to be
15 not in compliance by final order of the Administration Commission.
16 Then, it shall no longer be part of the adopted plan unless the local
17 government adopts a resolution affirming its effectiveness in the
18 manner provided by law.

19 **APPROVED AND ADOPTED** by the Board of County Commissioners of
20 Palm Beach County, on the 18 day of December, 2002.

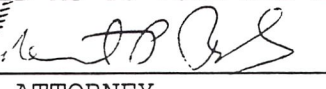
21
22 ATTEST:
23 DOROTHY H. WILKEN, Clerk

24 PALM BEACH COUNTY, FLORIDA,
25 BY ITS BOARD OF COUNTY COMMISSIONERS

26 
27 Deputy Clerk

28 By 
29 FOR Karen T. Marcus, Chair

30 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

31 
32 COUNTY ATTORNEY

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34 Filed with the Department of State on the 24 day of
35 December, 2002

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EXHIBIT 1

A. Future Land Use Element, Commercial Low Maximum for Non-PDDS

REVISIONS: To revise and update Table 2.1-2. The revisions are shown with the added text underlined. There is no deleted text.

1. REVISED:

**TABLE 2.1-2
Maximum Floor Area Ratios (F.A.R.s) For
Non-Residential Future Land Use Categories**

Future Land Use	FLU Category	Tier				
		Urban/Suburb	Exurban	Rural	Ag Reserve	Glades
....						
Commercial Low (Neighborhood Commercial)	CL-O	.35	.20	.20	.20 ^b .40 w/ TMD	.20
	CL	<u>.20 w/o PDD</u> ^{1,3} <u>.25 w/ PDD</u> ^{1,3} <u>.50 non-retail only</u>	.10 1.0 w/ TMD	.10 1.0 w/ TMD	.10 ^b .35 w/ CCSO .40 w/ TMD ⁴	.10
Commercial High (Community or Regional Commercial)	CH-O	.35 w/o PDD .50-.85 w/ PDD ²	not allowed	not allowed	not allowed	not allowed
	CH	.35 w/o PDD ¹ .50-.85 w/ PDD ² .85-1.0 ³	not allowed	not allowed	not allowed	not allowed
....						

Notes:

1. For Commercial Low (CL) and Commercial High (CH), the maximum allowable FAR for non-retail projects is .50.
2. For Commercial High (CH) and Commercial High Office (CH-O), the maximum allowable FAR is .50 for MUPD planned developments and .85 for MXPDP planned developments, as defined in the ULDC.
3. Provided development furthers the objectives and policies of the Comprehensive Plan, an exception to the FAR, up to 1.0 may be permitted to allow for: a) infill development; b) mixed-use development; or c) Traditional Neighborhood Development (TND); or d) Traditional Market Place Development (TMD).
4. For Ag Reserve TMDs the FAR is calculated on the total area of the development, including both the developed and preserve area.
5. Only existing future land use designations of Commercial Low or Commercial Low-Office located in the Agricultural Reserve Tier shall be allowed to develop at this FAR.
6. This maximum FAR is limited to parcels utilizing the Rural Services zoning district (RSER).

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on December 18, 2007
DATED at West Palm Beach, FL on 1/23/03.
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C.